MEMORIAL

OF

THOMAS B. OSBORNE.

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MEMORIAL

OF

THOMAS B. OSBORNE.

MEMORIAL.

[The following sketch was written by Rev. LYMAN H. ATWATER, D. D., now Professor, at Princeton, N. J.]

I FIRST met the Hon. THOMAS BURR OSBORNE on the annual Fast Day in Connecticut in the spring of 1835. A fellow student of divinity, and fellow Tutor also, in Yale College, who was then supplying the pulpit of the First Congregational Church in Fairfield, Conn., had procured me to act as his substitute on that day. This was my first introduction to that church as a whole, or to any of its members. The only gentlemen of the congregation with whom I then became acquainted, were Judge OSBORNE and the Hon. ROGER MINOTT SHERMAN. I was soon engaged to preach for the people several Sabbaths. On the 29th of July following, I was ordained and installed pastor of that church, and continued such till I removed to my present post in the autumn of

1820

1854—a period of between nineteen and twenty years. Judge OSBORNE was my parishioner, a member of my church, and my intimate, confidential friend, during this whole period, until his removal to New Haven, which occurred shortly before my removal to Princeton. Since that time, in my yearly visits to New Haven, I have invariably met and freely communed with him. This detail of matters personal to myself as well as to him will be pardoned, as showing my means and opportunities of knowing him.

Judge OSBORNE was gifted with an intellect of high order. Superior by nature, it was invigorated and enlarged by education; refined and polished by assiduous culture. It was profound, broad and discriminating. He was apt to be not one-sided, eccentric, or extravagant, but well-poised, sound and judicial. To use a phrase of which he was very fond, he was characterized by great "justness of mind." Hence he was known as a man of great good judgment and sagacity, and was much resorted to as a wise and safe counselor. In this line, more than as a public advocate, he attained professional eminence. These qualities of mind were brought prominently

into play, and were specially developed in furnishing himself for his professional duties.

They were, however, graced by the presence of other gifts and accomplishments, less frequently cultivated amid the dry forms and hard contests of legal practice. He not only possessed admirable judgment, strong memory and large acquisitive powers; he had a quick imagination, a refined taste, a keen relish for and appreciation of beauty in nature, art and literature. He loved elegant letters, and kindled into enthusiasm over the great utterances of the masters of thought and expression. Hence he was especially attractive in cultivated society, and in conversation with men of literary taste and generous culture.

What added to his vivacity and brilliancy as a converser was a rich vein of humor and wit, often running into outbursts of harmless but entertaining drollery, with which his conversation was sure to sparkle, whenever he talked at length and freely with his friends. All this, combined with the courteous manners and the genial spirit of the true gentleman, made him a great favorite in general society, no less than with his friends and his professional and political associates. His office and his

house were cherished resorts for myself during the whole period of our mutual residence in Fairfield, in times of languor and depression, or when, for any reason, I felt the need of being quickened and brightened by the interflow of heart and mind with an intelligent, congenial and trusted friend. Thus, I often gathered refreshment and inspiration for my work.

I should do violence to my own feelings in this connection, were I to omit all reference to his wife, ELIZABETH H., daughter of Ebenezer Dimon, Esq., who died while yet in her prime, but who, during life, was one of the most intelligent and accomplished christian ladies of her time. I refer to her here, because, amid the other gifts which adorned her, and every sphere and circle graced with her presence, she was pre-eminent as a converser. Few subjects arose on which she could not shed light, and converse, nay, *discourse*, with wonderful felicity and point; insomuch that there are few of whom it could be so fitly said, she "touched nothing which she did not adorn."

I have heard her characterized by one well competent to judge, as "another Hannah More." When she was called away, a void was made in

the then celebrated circle of ladies' society in Fairfield which was irreparable. I could not leave this part of my subject without this passing reference (which no one will mistake for an attempted full delineation of her character), to one to whose high qualities Judge OSBORNE always felt so deeply indebted, and who contributed so much to render his home and fireside not only a delight to himself, but a resource and a charm to their numerous friends, and to society at large. He himself, in turn, was a model of tenderness and faithfulness as husband and father.

As already intimated, Judge OSBORNE had those traits of mind which made him a learned, able and sound lawyer. He was a thorough student, well read in the law, a faithful and judicious attorney and counselor. Having been early made clerk of the courts of Fairfield county, and then member of Congress, he was not much trained to the public conduct and advocacy of causes in the courts. Nor did his tastes incline that way. Yet, in later life, while he did not seek, he did not shrink from this sort of professional service, which he always performed well, so that no case ever suffered in his hands. But it

was mainly in office-business that he practiced his profession. In respect to knowledge of the law, advising clients, drawing instruments, he had few equals and scarcely any superior. Judge R. M. SHERMAN, who was long his friend and neighbor, having scarcely a peer in his profession in his own state, and (as one who became a member of Lincoln's cabinet said to me in 1831), but one superior in New England,* repeatedly told me that he would as fully trust Mr. OSBORNE'S knowledge, judgment and fidelity in matters of law, as any lawyer's he knew of. This estimate was corroborated by his elevation to the office of Judge, the frequent resort of students of law to him as their instructor during his residence in Fairfield, and his final appointment to the Professorship of Law in Yale College, in which he so successfully and honorably ended his professional and public career.

Judge OSBORNE always took a deep interest in public affairs, whether pertaining to the church, town, state or nation. Being an intelligent observer of events, a correct judge of men, deeply earnest in his convictions, conscientious in his

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* Hon. Daniel Webster.

devotion to the public weal, he was justly regarded as one of the pillars of society. He so commanded the confidence of his fellow citizens, that, besides his judicial and legal offices, he was repeatedly sent to the Legislature of his native state, as Representative and Senator, and was also elected and re-elected Representative in Congress. These offices he filled with credit to himself, advantage to his constituents and the country, and with a continued growth in the public confidence of the state and nation. Alike as a jurist and legislator he was sagacious, broad, and thoroughly conscientious in his principles.

He was by nature a man of strong moral sensibilities. He could not ignore or disregard the moral element in whatever it concerned him to do. He was not only faithful and true in the various relations and offices of life; he had a sacred regard to duty in his professional action.

Nor as a legislator would he espouse any measure which he believed hostile to the public welfare, or tainted with moral corruption. On the contrary, he supported with all his powers what he deemed promotive of the public good, and conducive to the triumph of truth, justice, tem-

perance, morality and freedom in this land, and in all lands.

It remains only for me to say something of his christian character. He made a profession of his faith in Christ, and united with the church in Fairfield in 1831, four years before I knew him. He was decided and earnest in his christian convictions and sympathies at all times, as his friends to whom he unbosomed his inner self knew full well. Yet he was, until the last few years of his life, very shrinking and undemonstrative as respects the public expression of personal religious experience. He rather manifested his piety by the noiseless exhibition of a blameless life; the faithful and punctilious discharge of its incumbent duties; the regular observance of divine ordinances; unfailing attendance on divine worship on the morning and afternoon of each returning Sabbath; a hearty and appreciative interest in all the services, and in none more than those most intensely devout and experimental, such as the prayers and preaching of his former pastor and friend, Dr. Nathaniel Hewit; and in his ardent desire for the success of the institutions and ministers of religion, and the spread and triumph of pure

morality and christianity. He thought, at all times, deeply on the great points of doctrinal and practical theology. But the more he thought and inquired, the more firmly he rested in the ancient faith and order of the church of Connecticut in which he had been born and reared. And at length he came to feel that the quintessence of all genuine theology is contained in the profession: "This is a faithful saying and worthy of all acceptation, that Jesus Christ came into the world to save sinners of whom I am the chief."

In his closing years, as he withdrew from active occupations, religion more and more assumed the complete possession and mastery of his soul, and became more pronounced and emphatic in its outward manifestations. Out of the abundance of the heart the mouth spoke. As he neared eternity he was more abundantly wrought upon by the powers of the world to come. All things else dwindled into comparative insignificance. His great concern was to become ripe for heaven, and to have others prepared for it. This was the special message he desired to send to all; to have resounded to them from his dying bed, his funeral obsequies, his open grave, from which,

being dead he yet speaketh, saying, "Defer not to your last sickness or an uncertain future your preparation for death and judgment. To-day if ye will hear His voice harden not your heart. Now is the accepted time; now is the day of salvation."

I thank God that I was privileged to commune with him a few moments just before he quitted his earthly tabernacle, and to take a last earthly farewell from him. The one thing on his mind, heart and lips, was salvation through Christ, rejoicing in it himself, and beseeching others to seek it without delay. He seemed "quite on the verge of heaven," and to be transfigured, as he looked within the vail, into a holy harmony with it.

[The following notice from the pen of HORACE DAY, Esq., appeared in the *Journal & Courier*, Sept. 3, 1869.]

DEATH OF JUDGE THOMAS B. OSBORNE.

Many of our citizens will learn with surprise and regret that the illness of Judge OSBORNE terminated yesterday morning in death. For several months past his health has been infirm, but no serious apprehensions were entertained by his family of a fatal termination till within the last fortnight, although he himself expressed early in his sickness, the conviction that he should never recover.

He was born in the parish, now town, of Easton, in Fairfield County, July 8th, 1798, graduated at Yale College in 1817, studied law under the instruction of the late Seth P. Staples, Esq., was admitted to the New Haven County Bar in 1820, and the same year commenced the practice of law in Fairfield. In addition to the practice of his profession, he held many offices of trust in his native county. He was at various times a Clerk of the County and Superior Courts, a Judge of Probate, a Representative and a Senator in the Legislature of the State, a Judge of the Fairfield County Court, and twice a member of Congress. He removed to New Haven in 1854, and the subsequent year was appointed Professor of Law in Yale College, the duties of which office he discharged till his resignation in 1865.

This brief record of honorable trusts is, however, but an imperfect record of the real life of Judge OSBORNE. To say of any man that he was born, was educated, was trusted by his associates, honored in the community, and finally was laid in

his grave, is only to say what may justly be said of hundreds who every year are chronicled by the public press as having passed away.

Judge OSBORNE came to New Haven fifteen years ago, when nearly sixty years of age, with an established reputation in his native county, but with only a general acquaintance in other parts of the state. Apart from his connection with the Law School, his New Haven life has been rather a retired one. By his personal friends he has been known and respected as a just and good man, genial and kindly in his feelings, singularly careful of the reputation of others, particularly of people he did not like, habitually governed by christian principle in his conduct and opinions, and thoroughly imbued with the honored traditionary sentiments of Connecticut in whatever matters pertain to the higher welfare of society. In his religious life, always a Congregationalist from conviction, he became a communicant in the church in Fairfield in 1831, and on his removal to this city, in the church of the First Society. Those who have known him most intimately, however, are aware how much his religious feelings were quickened and deepened during the later years of his life.

In his political associations, his early sympathies were with the party that half a century ago was called the Republican party. He was elected to Congress, however, as a Whig, and adhered during life, not always with entire cordiality, to whatever party best represented the convictions of a thoroughly New England mind. Suspicion of the tendency of the moral and religious principles of some of the extreme advocates of convictions which lay deepest in his own nature, modified the enthusiasm of his party feelings, and led him to frequent ex-

pressions of distrust and disapproval, though it never prevented his co-operation with them on questions of public policy.

The New Englander for January, 1866, contains an article written by him on "Government in the United States," which well illustrates the character of his mind and the habitual subordination which, in his view, political truths should hold to the higher truths of morality and religion. In his social life, Judge Osborne was almost a model man. His attachment to his home, his friends, his town and his state was intense. Almost single-handed, he fought in the House of Representatives the proposition for a constitutional convention, after it had passed the Senate unanimously, and carried his point. He believed in the original constitution of the colony and the state in which the town was the political unit; and distrusted all schemes which would give to a mere numerical majority in the state the right to interfere with the self-government and ancient franchises of the towns.

The death of Judge Osborne removes another of the men who have represented, to the generation coming upon the stage, the moral and mental characteristics which have given to Connecticut an influence over the sentiments of the country at large, far beyond that to which she was entitled by her numbers or her wealth.

The two surviving members of Judge Osborne's family are Arthur D. Osborne, Esq., Clerk of the Superior Court for New Haven County, and Mary Elizabeth, the wife of Hon. Henry B. Harrison.

ACTION OF THE BAR.

In the afternoon of Thursday, Sept. 2d, at two o'clock, the Bar held a meeting at the Superior Court-room. Judge BLACKMAN called the meeting to order, and EDWARD A. ANKETELL, Esq., was elected Secretary; after which, Hon. RALPH I. INGERSOLL rose and remarked as follows:

The last meeting of the Bar I attended was on the occasion of the death of the late Governor DUTTON, who had been associated for a long time with Judge OSBORNE, whose recent death has brought us together. I little thought while I listened to the touching remarks made by Judge OSBORNE on that occasion, although he was in rather delicate health, yet when I compared my own age with his, I could not bring myself to believe that I should so soon take part in proceedings of a bar-meeting brought together by his own demise. It would then have seemed more probable that some other member of the profession would perhaps have offered a tribute to my own humble self. But, Sir, by the mercy of our Heavenly Father, I have been permitted to survive them both, and I merely come here now to offer, in the form of resolutions which I put together after hearing of the death of Judge OSBORNE, a humble tribute to his memory. I shall not make any extended remarks on this occasion. My own ideas are embodied in the resolutions which I present.

The following are the resolutions which Mr. INGERSOLL offered and read:

Resolved, That while we bow in humble submission to the dispensation of an all-wise and merciful Providence in removing from us by death the Hon. THOMAS B. OSBORNE, with whom we have been many years familiar, as one of the most upright, learned and venerable of our professional brethren; we cannot but express our heartfelt thankfulness that one so universally and deservedly respected in the legal profession, in the different official positions that he has held, as Judge of the County Court of Fairfield County, his native county, Member of Congress from that district, Professor in the Law department of Yale College, and withal, so exemplary in his christian character, has been permitted for so long a period to remain on earth, and finally to leave us in a calm and peaceful resignation to the divine will, and in the faith so long illustrated by the purity of his private life.

Resolved, That in sorrowful sympathy with the afflicted family of the deceased, we will attend the funeral in a body; that these resolutions be presented to the Superior Court, to be entered on the records of that court; that a copy thereof be presented to the bereaved and mourning relatives, and that like copies be furnished for publication in the several newspapers of this city.

CHARLES IVES, Esq., after the reading of the resolutions, addressed the meeting as follows:

I can hardly permit myself to allow these resolutions to pass without adding a few words to the remarks that have been so appropriately and eloquently made by the honorable gentleman who has offered the resolutions. I regret that there is

only one of the early associates of Judge OSBORNE left to participate, to-day, in the honors which are here paid to his memory. Most of his cotemporaries speak to us only from their sepulchral urns. It is largely left to younger hands to strew flowers upon the new-made grave, while younger voices utter the plaudits which fall all unheeded upon the "dull, cold ear of death." There is only one more remaining of those whom you (Judge BLACKMAN) and I, Sir, have been accustomed to consider the fathers of the New Haven Bar. All the rest have passed away, leaving brilliant examples for their successors, which I trust we may all endeavor to emulate and copy.

Judge OSBORNE was so fortunately situated that he was not under the necessity of mingling in those forensic strifes that so severely try the nerves, and ruffle and harrass the spirit, and which, at times, cannot but have a disturbing effect upon the temper. He was able to follow the law as a student, and to learn and teach its philosophy. Some of us are obliged to be its pack-horses. Thus pursuing the law as a science, his mind was enlarged and disciplined, and it was delightful to see in his old age, how pure, and calm, and philosophic it rose, uncontaminated, above the grosser things of life. As I have met him from day to day, during the last twenty years, and heard him, with his keen, reflective, philosophic mind, discourse in regard to local, state and national affairs, the philosophy of life, man and his destiny, he has reminded me, more than any man I have ever known, of Socrates, whose delight it was to converse with young men in the streets and market-places, upon laws, politics, ethics, religion and other subjects of interest.

I have known Judge Osborne during his residence in New Haven, a period of nearly twenty years, and I think I can safely say that during that time, so upright has been his life, so calm, so pure, so genial and lovable has he been in all his relations, that he dies without an enemy, and probably not leaving a man behind who has ever heard anything said to his discredit. It is a happy thing, Sir, for a man to pass through the world, and so fill up the measure of a long life, that he may lie down at last in the grave, with the blessings of a whole community upon his memory.

It is no time to make prolonged remarks. I only desired to add my humble tribute to that of others, and to express my appreciation and approbation of his many virtues and exalted character, and my sincere hope that we may all profit by the bright example of his well-spent life. I take great pleasure in seconding the resolutions.

[By his Son, Arthur D. Osborne.]

His children, to whose tender care the memory of my father is committed, can never forget anything that they ever knew of him; yet it will be a gratification to them to possess a lasting memorial of whatever was admirable in his character, which may be transmitted to his children's children.

The sketches, written by other hands, contained in this volume, present quite a complete view of his life, but there are some things which, it seems to me, I may properly add.

My father possessed, in a remarkable degree, a philosophic and reflective mind. Whatever subject engaged his attention, he probed to the bottom, and as a result obtained clear and exact thoughts. All that he said or wrote was simple, and free from any attempt at ambitious display, and he had an unusual power of expressing an idea fully and concisely, in few and plain words.

He was very tenacious of opinions which he had deliberately formed, and consequently was sometimes slow to adopt new ideas and new

views; but he was always open to conviction, and when satisfied that these rested on a solid foundation, he gave to them a hearty assent, and often became their zealous advocate.

His habits and manner of life were very simple and unaffected. He did nothing for show. He never courted, or sought the favor of persons of rank, and was very careful to be just and kind to the humblest. He understood well those who are sometimes called the common people, and though he never resorted to any of the arts of popularity, they always liked and trusted him. He could talk easily and freely with them, and they with him.

Moving among men, his appearance would arrest attention. In carriage he was erect and spirited, and though his bearing was modest, his presence was always dignified and commanding. I shall never forget how he looked the last time he went out. He rode down to attend a business meeting at the Bank of which he was a Director. He was then so feeble that with great difficulty he alighted and went up the steps, but when he entered the room and came into the presence of others, he assumed a perfectly erect attitude, his

eye kindled,—his old fire, by force of will, seemed to have returned.

Before his election to Congress, his occupation had withdrawn him from public life, so that beyond a small circle at the Bar, and of personal friends, his abilities were not known, but he attained a high reputation, during those four years, as an able speaker, an accomplished writer, and an efficient politician and legislator. One of his printed speeches on the Sub-Treasury was widely circulated in his own and in other states, and in style and force of thought ranks with the very best.

He spoke often during the presidential campaign of 1840, and used to say the highest compliment he ever received was during a speech made at Greenwich in this campaign, from a countryman, who rose and requested him to wait until he could go out and tie his horse, as he wanted to hear every word.

I think he regarded his efforts in the Legislature of 1850, as displaying more ability than any others he ever made. He was elected for the purpose of resisting the removal of the Court House from Fairfield, and without the aid of any of the

appliances by which Legislatures are manipulated, he carried the House with him by a large majority.

At that session, a proposition was made for a constitutional convention, with a view of securing an elective judiciary, and a change in the representation of towns. It had passed the Senate unanimously. It was supported in the House by the late Gov. Dutton and Henry E. Peck, Esq., of New Haven, and Hon. H. C. Deming and Mr. Hammersly of Hartford, and other able men. He thought it an unwise movement, and after seeking in vain for the aid of one man in the House, he determined to assail it single-handed. The debate resulted in his complete triumph, and the proposition has never been renewed.

In all money matters he was exceedingly scrupulous, and in executing trusts or dealing with working people he inclined to take less rather than more than his own. I remember one instance in which he was solicited to draw a will in such a way as to enure to his own benefit, to the exclusion of others whom he thought equally entitled. He refused to draw it, and so discouraged the proposal that it was abandoned.

The great events of the war interested him profoundly. He contributed freely of his money, and was ever ready with voice and pen to aid his country. His courage never failed, and in the darkest days he said, "We will fight until nothing is left but the ground, before we give up." And this he said, not in a spirit of animosity, for he never seemed to have any bitter feelings after the war, but because he thought not to succeed would be utter ruin.

In 1844, having won a conspicuous position in the state, a long and honorable public career was open to him, but owing to the delicate health of his wife and for other reasons, he preferred to withdraw, and to enjoy the competence he had acquired, in the happiness of a more quiet home-life.

My father's thoughts and affections centered in his home. At Fairfield, where he resided during the whole of his married life, his house was peculiarly charming and picturesque. It was spacious and hospitable in aspect, attractive by the good taste and individuality that marked it, and the perfect order in which all about and within it was always kept. Here he had expected to

spend his days, until the death of my mother in 1851, broke up his plans of life and caused his removal to New Haven, in 1854.

It seems appropriate to insert here the obituary notice which my father wrote at the time of her death, for the *New York Observer*:—

OBITUARY.

Died at Fairfield, Conn., on the 19th of August, 1851, Mrs. Elizabeth H. Osborne, wife of Hon. Thomas B. Osborne, aged 49.

A large circle of friends will mourn the loss of this highly gifted and excellent lady. Being the daughter of cultivated and intelligent parents, her early education was careful and thorough. Her intellect was, in its original constitution, strong and discriminating, and had been disciplined by application to the severer studies.

With this higher faculty of mind, she united a lively fancy, just taste, and a delicate tact, which made whatever she said or wrote peculiarly engaging and attractive. Her occasional compositions, both in prose and poetry, though never written for the press, were much circulated and

read among friends; and in force of thought and grace of style are not inferior to the productions of the best writers.

Elevated in her tastes and tendencies, she loved improvement, and to improve others; and many will remember the good influence of her society and conversation, as well as its ever fresh and cheerful entertainment. Her religious principles were settled at the early age of fourteen, by the experience of a true faith in Christ as her Lord and Savior; and these formed the unwavering and sure basis of her character at all times and in all places, for the rest of her life.

Fidelity to whatever she undertook, and to the obligations of her place and station, was one of her eminent virtues. To this she added a high sense of truth and justice, a quick and resolute conscientiousness, and reasonableness of temper and expectation. In her affections she was warm, and in her friendships faithful and true. It was this rare combination of moral and intellectual excellence, which gave to her character its beautiful symmetry. Without any of the arts of display, or a particle of false acting, she gradually and insensibly drew attention and won regard and admiration.

But it was in her own family, in the discharge of the duties of a wife and mother, that her qualties shone with their brightest lustre. In her happy home, her love was a guardian spirit ever hovering around her husband and children for good.

While we drop a tear over the departure of one so highly prized and fondly cherished, the stricken heart feels a mournful satisfaction in calling to mind her virtues, and paying this slight tribute to her memory. There is a higher consolation in believing that death was to her but a translation to a better world.

FROM this time, the welfare of his children was his constant care, and he had the satisfaction of establishing them both on his own homestead, and almost, as it were, under his own roof. His children and grand-children were constantly near him during his declining health and in his last hours. Then, his natural reserve melted away, and he manifested his love for them in the tenderest manner; regarding his son-in-law and daughter-in-law with the same interest and affection as his

own son and daughter. At no time did his careful forethought for his children cease. This, and religious thoughts, occupied his mind to the exclusion of almost everything else. He said, often, when calling for some service to be rendered, "I know that my nurse can do everything for me, but I ask you because it will be pleasant to remember it when I am gone."

His religious faith grew stronger to the end of his life, and he seemed to rest in perfect trust in his Savior. Sometime before his death he said, "I hope I shall have the Savior with me when I go through the dark valley." And at the last he said, "I follow Him through the dark valley." And again he said, "I feel His arm and know that I am safe."

His interviews with his grand-children were very touching, and affected them deeply. He expressed most earnestly the hope that they would grow up to be good and useful men. In one of these, placing his hand on the head of the elder, he said, "My dear boy, I cannot tell you how much I think of you. I have great hopes of you. You know you bear my name, and I love to think of it as I lie here." Then turning to the

younger one, he said, "You must not think I love Tommy more than you, because I spoke to him first, but he is older than you are, and is named after me. Now kiss me once more, and always remember grandpa with affection." As the children left the room sobbing, he placed his hands together and said, with a broken voice, "Oh! how I love those dear boys. For the last eighteen months I have never omitted once to offer a daily prayer in their behalf."

He passed away quietly at half-past one in the morning of Thursday, Sept. 2d, 1869. His last hours were free from pain, and were cheered by the presence and tender ministrations of his children, and soothed by the melody of the beautiful hymns which his faithful nurse, Mr. Richard Story, sang to him almost constantly through the night.

His whole life was governed by christian principles. To these he always inflexibly adhered.

In thinking of him, I am often reminded of the line, "*Justum ac tenacem propositi virum.*"

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